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12 **UNITED STATES DISTRICT COURT**

13 **DISTRICT OF NEVADA**

14
15 ABEL CÁNTARO CASTILLO;
16 ALCIDES INGA RAMOS, RAFAEL DE LA
17 CRUZ, and those similarly situated,

18 Plaintiffs,

19 vs.

20 WESTERN RANGE ASSOCIATION;
21 EL TEJON SHEEP COMPANY; MELCHOR
22 GRAGIRENA; MOUNTAIN PLAINS
23 AGRICULTURAL SERVICE; and ESTILL
24 RANCHES, LLC,

25 Defendants.

26 CASE NO. 3:16-cv-00237-RCJ-VPC

27 **JOINT CASE MANAGEMENT
28 REPORT AND PROPOSED
STIPULATED DISCOVERY PLAN**

Date: October 15, 2019
Time: 10:00 a.m.

29 **JOINT CASE MANAGEMENT REPORT AND
PROPOSED STIPULATED DISCOVERY PLAN**

30 **I. SHORT STATEMENT OF THE NATURE OF THE CASE**

31 This putative class action complaint was originally filed on May 3, 2018. Plaintiff Abel
32 Cántaro Castillo alleged various causes of action for unpaid wages on behalf of himself and all
33 “similarly situated” individuals against El Tejon Sheep Company, Melchor Gragirena and
34 Western Range Association [Doc #1]. The Second Amended Complaint, again before this court,
35 includes the following claims:

36
37 • Failure to Pay Minimum Wages in Violation of the Nevada Constitution

38

- 1 • Breach of Contract or Quasi-Contract
- 2 • Promissory Estoppel
- 3 • Unjust Enrichment and Quantum Meruit
- 4 • Failure to Pay Separated Employees Wages When Due

5 **II. PROCEDURAL HISTORY**

6 Plaintiff Cántaro first filed suit against WRA, El Tejon and Gragirena on May 3, 2016.
7 [Doc #1]. On September 16, 2016, Western Range Association and El Tejon both filed
8 Motions to Dismiss. [Doc #35, #37]. On October 13, 2016, Plaintiff/Appellant Cántaro, plus
9 newly-named Plaintiff Ramos filed the First Amended Complaint, wherein additional
10 defendants were added. [Doc #45]. Seventeen (17) new causes of action also appeared. *Id.*
11 The FAC omitted the (federal) *Fair Labor Standards Act* (“FLSA”) cause of action previously
12 asserted in the original Complaint. *Id.*

13 Defendants El Tejon, Gragirena, and WRA filed “Motions to Dismiss” the FAC all of
14 which were granted by this Court, finding that the District Court lacked jurisdiction [Doc
15 #107]. Specifically, the Court held that CAFA and federal question jurisdiction were lacking
16 and dismissed the Plaintiff’s claims.

17 Plaintiffs Abel Cántaro Castillo, Alcides Inga Ramos and Rafael De La Cruz filed the
18 Second Amended Complaint on May 15, 2017. [Doc #111]. Following Motions to Dismiss
19 the SAC by all Defendants, this District Court issued its Order and Opinion on February 13,
20 2018 dismissing the entire SAC for lack of subject matter jurisdiction. [Doc #140]. In its
21 dismissal Order, the District Court held that the minimum amount in controversy requirement
22 under 28 USC § 1332 (CAFA diversity of citizenship) was absent. [Doc #140] The District
23 Court then dismissed the SAC without prejudice but without leave to amend. [Doc #140].

24 Plaintiff filed his Notice of Appeal in this matter on March 9, 2018. [Doc #147].¹

25 ¹ While the appeal was pending, Plaintiff Castillo settled his claims against El Tejon and
26 Melchor Gragirena and proceeds only against WRA. Plaintiff Ramos settled his claims against
27 Estill Ranch and MPAS, and all three parties are no longer part of this case. Plaintiff De La
28 Cruz did not appeal.

1 Following briefing and argument, in a 2-1 unpublished decision (with dissenting opinion) the
 2 Ninth Circuit reversed and remanded the case back to this Court. The mandate was entered by
 3 this Court on August 8, 2019. [Doc #170].

4 **III. PREVIOUS SCHEDULING ORDER**

5 A prior scheduling order was entered in this case on January 13, 2017 [Doc #91],
 6 permitting discovery to begin, although motions to dismiss were pending. On April 13, 2017,
 7 after the FAC was dismissed, Plaintiffs filed the SAC on May 15, 2017, but no new scheduling
 8 order was entered, and no further discovery occurred prior to July 14, 2017, when all parties
 9 entered a stipulation for a Stay pending outcome on the Motions to Dismiss. The stipulation
 10 was approved by the Court on July 28, 2017 and an order entered thereon.

11 At the time of the April 13 dismissal order, there were 254 days of discovery remaining.
 12 The parties propose a new scheduling order which provides for 254 days of additional
 13 discovery, as contemplated by the original scheduling order.

14 **IV. PROPOSED SCHEDULING ORDER (SPECIAL SCHEDULING REVIEW
 15 REQUESTED)**

16 The parties propose the following dates for completion of pretrial matters.

17 Document	18 Deadline Date
19 Defendant's Responsive Pleading	20 October 31, 2019
21 Discovery Opens	22 October 31, 2019
23 Amending the Pleadings and Adding Parties	24 January 27, 2020
25 Expert Disclosures	26 April 24, 2020
27 Rebuttal-Expert Disclosures	28 May 28, 2020
29 Motion for Class Certification	30 June 1, 2020
31 Discovery Cut-Off	32 July 1, 2020
33 Dispositive Motions Filed	34 July 28, 2020
35 Pretrial Order	36 August 27, 2020

1 **IV. PROPOSED TRIAL DATES**

2 October 13, 2020 October 20, 2020 October 26, 2020

3 RESPECTFULLY SUBMITTED,

4 Dated October 7, 2019	Dated October 7, 2019
5 By: <u>/s/ Christine E Webber</u>	By: <u>/s/ Ellen Jean Winograd</u>
6 Mark R. Thierman, Esq.	Ellen Winograd, Esq.
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17 **IT IS SO ORDERED.**

18 Dated this ____ day of October, 2019.

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ROBERT C. JONES
Senior District Judge